



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

SEP 03 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7011 0470 0002 2746 8577

Ms. Darla LaPointe
Chairperson
Winnebago Tribe of Nebraska
100 Bluff Street
P.O. Box 687
Winnebago, Nebraska 68071

RE: Total Coliform Rule and Ground Water Rule Violations
Pony Express-Rosalie Public Water System
EPA PWS ID No. 070000023

Notice of Violations

Dear Chairperson LaPointe:

The Pony Express-Rosalie Public Water System is classified as a Non-Community Public Water System, as defined by the Safe Drinking Water Act, Code of Federal Regulations 40 CFR § 141.2. The U.S. Environmental Protection Agency, Region 7, is the Primacy Agency tasked with oversight of the Pony Express-Rosalie PWS.

On July 6, 2015, the Pony Express-Rosalie Convenience Store received a Total Coliform positive result from its routine sample for the second quarter 2015. The subsequent three repeat samples required by the Total Coliform Rule regulation 40 CFR 141.21(b)(1) and the one triggered sample required by the Ground Water Rule regulation 40 CFR 141.402(a)(1) were taken on July 30, 2015. All four samples tested positive for Total Coliform, and the triggered Ground Water Rule sample and one repeat sample tested positive for *E. coli* bacteria. The Pony Express-Rosalie Convenience Store hired a certified well driller to shock the source water well, disinfect the distribution system, and flush the system. Following those actions, the Pony Express-Rosalie Convenience Store collected two samples on August 6, 2015, and both samples were Total Coliform positive.

Violation 1: Total Coliform Maximum Contaminant Level Exceedance – Total Coliform Rule 40 CFR § 141.63(b)

The July 30 total coliform-positive repeat sample result and *E. coli* positive repeat sample result



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following the June 6 total coliform positive routine sample results constitutes a violation of the MCL for total coliforms.

Corrective Actions per Regulations:

1. Pony Express-Rosalie Convenience Store PWS is required to continue to Public Notice per 40 CFR §141.201(a) until notification by Region 7 that the notices may be discontinued. The Public Notices are to be posted in conspicuous locations throughout the Pony Express-Rosalie Convenience Store frequented by persons served such as food stations, public rest rooms, fountain drink stations, and coffee pots. As required by 40 CFR §141.33 (d) and 141.201(c)(3) within ten days of completing the public notification, Pony Express-Rosalie Convenience Store shall submit certification that the public notice requirements were met with a copy of the notice. A sample Public Notice and certification has previously been provided via e-mail.
2. Upon completion of the Corrective Action Plan and Treatment Technique Triggered Actions, as outlined in a letter from the EPA and dated August 18, 2015 (copy enclosed), the Pony Express-Rosalie Convenience Store PWS is required to complete Assessment Source Water Monitoring as directed by Region 7 and as outlined in 40 CFR 141.402(b)(1-6). The Assessment Source Water Monitoring will be performed over a 12-month period and will include sampling for total coliform, *E. coli*, enterococci, and coliphage.
3. As provided in our August 18, 2015 letter, an alternate source of water shall be provided to employees and to the public pursuant to 40 CFR 141.403(a)(6)(ii) until notified only by the Region 7 EPA staff. The Pony Express-Rosalie is not to serve water from the source water well to the public nor to the employees until notified by the Region 7 EPA Staff.

Please contact Kimberly Willis-Burr, of my staff, at (913) 551-7069 or at e-mail willis-burr.kimberly@epa.gov if you have any questions regarding this Notice of Violation.

Sincerely,



Karen Flournoy
Director

Water, Wetlands and Pesticides Division

Enclosure

cc: Rob Mahon, HCI Commercial Property Manager
Danielle Gutierrez, Pony Express Stores Director
Kierstan Lyons, Certified Drinking Water Operator
Rich Koenig, Nebraska Department of Health Human Services
Denny Haag, Indian Health Service



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

18 AUG 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7011 0470 0002 2746 8560

Mr. Rob Mahon
Commercial Property Manager
Ho-Chunk Centre, Suite 321
600 4th Street
Sioux City, Iowa 51101

Re: Corrective Action Plan Review and Treatment Technique Triggers
Pony Express-Rosalie Convenience Store
Federal ID No.: 070000023

Dear Mr. Mahon:

A Sanitary Survey of the drinking water source at the Pony Express-Rosalie Convenience Store was performed by the U.S Environmental Protection Agency, Region 7 on April 14-16, 2015. The EPA identified one Significant Deficiency and a Corrective Action Plan was to be submitted by the Rosalie Store to address that Deficiency. The Corrective Action Plan was submitted by the Rosalie Store on July 13, 2015.

On July 6, 2015, the Pony Express-Rosalie Convenience Store received a Total Coliform positive result from its routine sample for the second quarter 2015. The subsequent 3 repeat samples required by the Total Coliform Rule regulation 40 CFR 141.21(b)(1) and the one triggered sample required by the Ground Water Rule regulation 40 CFR 141.402(a)(1) were taken on July 30, 2015. All four samples tested positive for Total Coliform and the triggered Ground Water Rule sample and one repeat sample tested positive for *E. coli* bacteria. The Pony Express-Rosalie Convenience Store hired a certified well driller to shock the source water well, disinfect the distribution system, and flush the system. Following those actions, the Pony Express-Rosalie Convenience Store collected two samples on August 6, 2015, and both samples were Total Coliform positive but were *E. coli* negative.

The EPA has completed the review of the Corrective Action Plan and, based on the most recent sample results, has incorporated Treatment Technique Triggered Actions according to the Total Coliform Rule 40 CFR 141.63(d)(4) and the Ground Water Rule 40 CFR 141.403(a)(i-iv) into the required Corrective Actions below:

1. The Public Notice shall remain posted (40 CFR 141.201(a)) and an alternate source of water shall be provided to employees and to the public (40 CFR 141.403(a)(6)(ii)) until notified only by Region 7 staff.

2. The Corrective Action Plan stated that a new well would be drilled on the property owned by the Ho Chunk, Inc.
 - a. There are no dates identified in the proposed Plan for test or exploratory well drilling and/or the production well completion date. Provide dates when the test or exploratory well and/or the production well will be drilled and the anticipated completion dates.
 - b. In the interim, before the new well is completed and before the new well has received Total Water Quality Panel results with no Maximum Contaminant Level exceedances, the current well is not to be used for human consumption unless:
 - i. The Pony Express-Rosalie Convenience Store eliminates the source of contamination (40 CFR 141.403(a)(6)(iii)), and;
 - ii. The Pony Express-Rosalie Convenience Store provides treatment that reliably achieves at least 4-log treatment (99.99% removal of bacteria and viruses) before the first customer for the ground water source (40 CFR 141.403(a)(6)(iv)), and;
 - iii. If no new well is successfully drilled on the property owned by Ho Chunk, Inc., the Total Water Quality Panel will be required on the current well with no MCL exceedances before it can be put back into service.
3. There is no scope of work agreement between Siouxland Well Company and Ho Chunk, Inc. included with the Corrective Action Plan. Please forward this document as soon as possible.
4. The Total Water Quality Panel is stated to be done by the Siouxland Well Drillers in the Corrective Action Plan. The Total Water Quality Panel shall be conducted at a certified laboratory and the complete listing of required analytes is available on the Nebraska Public Health Laboratory website and as an enclosure to this letter. The EPA requested in the Significant Deficiency that this sampling be done in the presence of a qualified individual from either the Nebraska Department of Health and Human Services, the Indian Health Service, or Region 7. Please provide a date when this sampling will be performed, so that the staff of one of these agencies may be present.
5. The Corrective Action Plan states that the Siouxland Well Company has completed a summary Source Water Assessment. This was not included with the Corrective Action Plan. Please forward this summary as soon as possible, as well as the detailed report, once it is completed.

The submitted Corrective Action Plan states that it is the intention of the Pony Express-Rosalie Convenience Store to complete the Significant Deficiency requirements in a timely manner. The EPA has incorporated the review of the Corrective Action Plan and Treatment Technique Triggered Actions according to the Total Coliform Rule 40 CFR 141.63(d)(4) and the Ground Water Rule 40 CFR 141.403(a)(i-iv) into the required Corrective Actions. The Significant Deficiency is required by regulation 40 CFR 141.403(a)(5), to be completed within 120 days of receipt of notification of the

Significant Deficiency or by September 18, 2015. Please contact Kimberly Willis-Burr, of my staff, at (913) 551-7069 if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Karen Flournoy". The script is cursive and fluid, with the first name "Karen" and last name "Flournoy" clearly legible.

Karen Flournoy

Director

Water, Wetlands, and Pesticides Division

Enclosure

cc: Ms. Darla LaPointe, Chairperson, Winnebago Tribe of Nebraska
Danielle Gutierrez, Pony Express Stores Director
Kierstan Lyons, Certified Drinking Water Operator
Rich Koenig, NE DHHS
Denny Haag, IHS

NHHS LABORATORY TOTAL WATER QUALITY (NEW WELL) FEE LIST

CODE	TEST TYPE	HHS LAB FEE
Kit A - IO	TOTAL COLIFORM/E.COLI	\$15.00
Kit A - IO	CHLORIDE	\$21.00
Kit A - IO	FLUORIDE	\$18.00
Kit A - IO	NITRATE	\$16.00
Kit A - IO	NITRITE	\$32.00
Kit A - IO	pH	\$20.00
Kit A - IO	SULFATE	\$25.00
Kit A - IO	TOTAL ALKALINITY	\$20.00
Kit A - IO	TOTAL DISSOLVED SOLIDS	\$29.00
Kit A - IO	TOTAL HARDNESS	\$25.00
Kit A - IO	CYANIDE -DRINKING WATER	\$47.00
Kit A Inorganics	TOTAL=	\$268.00
Kit A - MM	ANTIMONY	\$19.00
Kit A - MM	ARSENIC	\$19.00
Kit A - MM	BARIUM	\$19.00
Kit A - MM	BERYLLIUM	\$19.00
Kit A - MM	CADMIUM	\$19.00
Kit A - MM	CALCIUM	\$19.00
Kit A - MM	CHROMIUM	\$19.00
Kit A - MM	COPPER	\$19.00
Kit A - MM	IRON	\$19.00
Kit A - MM	LEAD	\$19.00
Kit A - MM	MANGANESE	\$19.00
Kit A - MM	MERCURY	\$41.00
Kit A - MM	NICKEL	\$19.00
Kit A - MM	SELENIUM	\$19.00
Kit A - MM	SILVER	\$19.00
Kit A - MM	SODIUM	\$19.00
Kit A - MM	THALLIUM	\$19.00
Kit A - MM	URANIUM (mass)	\$19.00
Kit A Metals/Minerals		\$364.00
Kit A - OR	504.1	\$157.00
Kit A - OR	505	\$159.00
Kit A - OR	515.3	\$258.00
Kit A - OR	525.2	\$247.00
Kit A - OR	531.1	\$223.00
Kit A - OR	547	\$216.00
Kit A - OR	549.2	\$241.00
Kit A - OR	524.2	\$237.00
Kit A Organics	TOTAL=	\$1,738.00
Kit A - RC	*GROSS ALPHA*	\$55.00
Kit A - RC	*RADIUM 226*	\$83.00
Kit A - RC	*RADIUM 228*	\$83.00
Kit A - RC	RADON IN WATER	\$110.00
Kit A - RC	*URANIUM, ISOTOPIC TOTAL*	\$130.00
Kit A Radchem	TOTAL=	\$461.00
Kit B	*ASBESTOS*	\$255.00
Asbestos Kit B	TOTAL=	\$255.00
Kit C	*1613 (DIOXIN)*	\$440.00
Kit C Pace Analytical	TOTAL=	\$440.00
Kit D	*TOC*	\$41.00
Kit D TOC	TOTAL=	\$41.00
Kit E	*548.1 (ENDOTALL)*	\$260.00
Kit E EHL	TOTAL=	\$260.00
TOTAL WATER QUALITY KIT PRICE =		\$3,827.00

CODES:

RC - Radiochemistry

OR - Organics

IO - Inorganics

MM - Metals and minerals

* - Contracted Tests

Fees for contracted tests are subject to change, contact Mary Boden at 471-8441 for pricing

There will be a fee for all unreturned testing kits

